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Read 17 March 1742

[ 1 ]



15. lxxv. II - Not passed -

*The BILL (with the Amendments) to Explain and Amend the Laws touching the Elections of Members to serve for the Commons in Parliament, and to restrain the Partiality, and regulate the Conduct, of Returning Officers at such Elections.*

The Parts of the Bill which the Committee left out, are included within Red Brackets [ ]

What the Committee filled up the Blanks with, or inserted in the Bill, are printed in Red Characters.

The Clauses added by the Committee are in Red Characters, and inserted as followeth : Clause A in Fol. 16. B in Fol. 5. C in Fol. 9. D in Fol. 10. E in Fol. 15. F in Fol. 13. G Fol. 11. H and I in Fol. 13.



**W**hereas many Returning Officers of Members to serve for the Commons in Parliament have of late presumed to act in a most partial and arbitrary manner, contrary to natural Justice, and the Law of the Land, sometimes upon false Pretences of exercising their Judgment, with which they are furnished from several Defects in the Laws, as they now stand, and sometimes without any Pretence at all, encouraged thereto from Hopes of Impunity, by reason that the Laws in being have in many Instances provided no Punishment for such Offences; and in other Instances, where Penalties are provided, it has been found by Experience, from the manner in which they are to be sued, for to be extremely difficult, and scarcely possible, to recover them:

**And whereas** it is of the utmost Importance to the Preservation of our happy Constitution, that this growing Abuse should be timely and effectually prevented: **For Remedy thereof, Be it Enacted,**

*By the KING's Most Excellent MAJESTY,*

By and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the

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Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, upon every Election to be made within that Part of *Great Britain* called *England*, of any Knight or Knights of a Shire to serve in Parliament, every Freeholder, (instead of the Oath or Affirmation prescribed to be taken by an Act of Parliament made in the Tenth Year of the Reign of her late Majesty *Queen Anne*, intituled, *An Act for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for electing Knights of Shires to serve in Parliament*) before he is admitted to poll at the said Election, shall (if required by the Candidates, or any of them, or any other Person, having a Right to vote at the said Election) first take the Oath (or being one of the People called *Quakers*, the solemn Affirmation) following, *viz.*

**YOU** shall swear (or being one of the People called *Quakers*, You shall solemnly affirm) That you are a Freeholder in the County of \_\_\_\_\_ and have a Freehold Estate consisting of \_\_\_\_\_ (specifying the Nature of such Freehold Estate, whether Messuage, Land, Rent, Tythe, or what else) lying or being at \_\_\_\_\_ in the County of \_\_\_\_\_ of the clear yearly Value of Forty Shillings, over and above all Rents, [Assessments] or Charges payable out of, or in respect of the same, and that you have been in the actual Possession or Receipt of the Rents and Profits thereof, for your own Use, above Twelve Calendar Months (or that the same came to you within the Time aforesaid, by Descent, Marriage, Marriage Settlement, Devise, or Presentation to a Benefice in a Church, or by Promotion to an Office); and that such Freehold Estate has not been made or granted to you fraudulently, on purpose to qualify you to give your Vote at this Election, and that the Place of your Abode is, at \_\_\_\_\_ in \_\_\_\_\_ and that you are Twenty-one Years of Age, as you believe; and that you have not been polled before at this Election.

Which Oath (or solemn Affirmation) the Sheriff by himself, his Under-Sheriff, or such sworn Clerk or Clerks as shall be by him appointed for the taking of the Poll, is hereby required to administer; and in case any Freeholder, or other Person, taking the said Oath or Affirmation hereby appointed, shall thereby commit wilful Perjury, and be thereof convicted; or if any Person do unlawfully and corruptly procure or suborn any Freeholder, or other Person, to take the said Oath, or Affirmation, in order to be polled, whereby he shall commit such wilful Perjury, and shall be thereof convicted, he and they, for every such Offence, shall incur the like Pains and Penalties as are in and by one Act of



of Parliament made in the Fifth Year of the Reign of the late Queen *Elizabeth*, (intituled, *An Act for punishing such Persons as shall procure or commit wilful Perjury*) Enacted against all who shall commit wilful Perjury, or suborn or procure any Person to commit any wilful and corrupt Perjury, contrary to the said Act.

**And whereas** by the said Act made in the Tenth Year of the Reign of her late Majesty Queen *Anne*, it is Enacted as follows, *videlicet*, That from and after the First Day of *May*, which was in the Year of our Lord One thousand Seven hundred and Ten, no Person should vote for the electing of any Knight of a Shire within that Part of *Great Britain* called *England*, in respect or in right of any Lands or Tenements, which have not been charged or assessed to the publick Taxes, Church Rates, and Parish Duties, in such Proportion as other Lands or Tenements of Forty Shillings *per Annum*, within the same Parish or Township where the same shall lie or be, are usually charged :

**And whereas** by an Act made in the Thirteenth Year of the Reign of his present Majesty, (intituled, *An Act for more effectually preventing fraudulent Qualifications of Persons to vote as Freeholders in the Election of Members to serve in Parliament for such Cities and Towns as are Counties of themselves, in that Part of Great Britain called England*) the said Provision is extended to such Lands or Tenements, for or in respect of which any Person shall vote for the Election of any Member to serve in Parliament for any City or Town, being a County of itself, in that Part of *Great Britain* called *England*: **Be it Enacted**, by the Authority aforesaid, That so much of the said Acts as disables any Person to vote in respect or in right of any Lands or Tenements, which have not been charged and assessed, as therein mentioned, shall from and after the said Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, be, and is hereby repealed.

**And be it further Enacted** by the Authority aforesaid, That from and after the said Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, no Person shall vote in any such Election, without having a Freehold Estate in the County, for which he votes, of the clear yearly Value of Forty Shillings, over and above all Rents [ Rates, Assessments ] or Charges, payable out of, or in respect of the same, or without having been in the actual Possession of, or in Receipt of the Rents and Profits thereof, for his own Use, above Twelve Calendar Months, unless the same came to him within the Time aforesaid, by Descent, Marriage, Marriage Settlement, Devise, or Presentation to a Benefice in a Church, or by Promotion to an Office, or shall vote in respect or in right of

of any Freehold Estate, which was made or granted to him fraudulently on purpose to qualify him to give his Vote, or shall vote more than once at the same Election; and if any Person shall vote in any such Election contrary to the true Intent and Meaning hereof, he shall forfeit to every Candidate for whom such Vote shall not have been given, the Sum of Forty Pounds, to be recovered by him or them, his or their Executors or Administrators, together with full Costs of Suit, by Action of Debt, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, Privilege, or Imparlance, shall be admitted or allowed; and in every such Action the Proof shall [ wholly ] lie on such Person against whom the same is brought, unless the Fact, on which such Action is grounded, be the having polled more than once at the same Election.

**Provided always,** That in case the Plaintiff in any such Action shall discontinue the same, or be Nonsuited, or a Verdict pass against him, that then in any of the said Cases, the Person against whom such Action shall have been brought, shall have his full Costs.

**And be it further Enacted,** by the Authority aforesaid, That from and after the said Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, at every such Election, within that Part of *Great Britain* called *England*, the Sheriff, or in his Absence, his Under-sheriff, or such as he shall depute, shall make or erect, or cause to be made or erected, (at the Expence of the said Candidates) such Number of Booths or Places for taking the Poll, as the Candidates, or any of them, shall desire, so as the same do not exceed the Number of the Hundreds in the said County; and shall affix, or cause to be affixed, on the most publick Part of each of the said Booths, or Polling-places, the Name of the Hundred or Hundreds, for which such Booth, or Polling-place, is allotted and designed.

**And be it further Enacted,** by the Authority aforesaid, That in case any Sheriff, Under-sheriff, or Clerk appointed to take the Poll at any of the said Booths or Polling-places, shall wilfully and knowingly (after Objection made by any of the Candidates, or their Agents) admit any Person to vote for any Lands, Tenements, or other Freehold Estate, not lying or being in the Hundred or Hundreds, for which the Booth or Polling-place, where he takes the Poll, is allotted and designed, (unless such Lands, Tenements, or Estate, lie or be in some Town Corporate, or other Place, not contained] in any Hundred of the said County) he shall for every such Offence forfeit the Sum of Forty Pounds

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to every Candidate for whom such Vote shall not have been given, to be recovered as aforesaid.

And be it further Enacted, by the Authority aforesaid, That the Sheriff, or in his Absence, his Under-sheriff, or such as he shall depute, shall at every such Election allow a Cheque-Book for each Candidate, to be kept by their respective Inspectors, at every Place where the Poll for such Election shall be taken or carried on.

And whereas by an Act made in the Seventh Year of the Reign of King William the Third, (intituled, *An Act for the further regulating Elections of Members to serve in Parliament, and for the preventing irregular Proceedings of the Sheriffs, and other Officers, in the electing and returning such Members*) it is Enacted, That upon every Election to be made of any Knight or Knights of the Shire, the Sheriff of the County, where such Election shall be made, shall proceed to Election at the next County Court, unless the same fall out to be held within Six Days after the Receipt of the Writ, or upon the same Day, and then shall adjourn the same Court to some convenient Day; giving Ten Days Notice of the Time and Place of Election: and whereas Sheriffs have frequently in such Cases, where the County Court fell out to be held within Six Days after the Receipt of the Writ, or upon the same Day, made long Adjournments of the same, in order to delay proceeding to Election: For Remedy thereof for the future, Be it Enacted, by the Authority aforesaid, That from and after the said Twenty-fifth Day of August One thousand Seven hundred and Forty-two, no Sheriff shall in such Case take upon himself to adjourn such Court for longer than Sixteen Days; any Law, Usage, or Custom, to the contrary notwithstanding.

And whereas by an Act made in the Sixth Year of the Reign of his present Majesty, (intituled, *An Act to Explain and Amend an Act made in the Seventh and Eighth Years of the Reign of King William the Third, intituled, An Act for the further regulating Elections of Members to serve in Parliament, and for the preventing irregular Proceedings of Sheriffs, and other Officers, in the Electing and Returning such Members, so far as the same relates to the holding of County Courts*) it is among other things Enacted, That no County Court whatsoever held in England, shall be adjourned to a Monday, a Friday, or Saturday; and that all and every such Adjournment and Adjournments, and all and every Act and Deed done or performed at such Courts so adjourned, shall be deemed, adjudged, and taken to be utterly null and void, to all Intents and Purposes whatsoever: B

And whereas the same has been found inconvenient, Be it therefore Enacted, by the Authority aforesaid, That from and after

after the said Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, so much of the said Act as is herein before recited, shall be, and is hereby, repealed.

And whereas by the said Act made in the Seventh Year of the Reign of King *William* the Third, it is among other Things Enacted, that the several Writs for Election of Members to serve in Parliament, shall be delivered to the proper Officer to whom the Execution thereof doth belong or appertain, and to no other Person whatsoever; and that such Officer shall forthwith, upon Receipt of the Writ, make out the Precept or Precepts to each Borough, Town Corporate, Port or Place within his Jurisdiction, where any Member or Members are to be elected; and shall by himself or proper Agent deliver, or cause to be delivered, such Precept or Precepts to the proper Officer of every such Borough, Town Corporate, Port or Place within his Jurisdiction, to whom the Execution of such Precept doth belong or appertain, and to no other Person whatsoever, under the Penalty of Five hundred Pounds for every wilful Offence, to be forfeited to the Party aggrieved: And whereas the said Penalty has by Experience been found insufficient to answer the said good Intention of the above-recited Part of the said Act, in respect to the Delivery of the Precept to the proper Officer: And whereas it has been doubted what Persons are intitled to recover the said Penalties or Forfeitures for such Offence: For Remedy thereof, Be it Enacted, by the Authority aforesaid, That every Sheriff, Under-sheriff, and other Person in that Part of *Great Britain* called *England*, to whom the Execution of such Writ of Election doth belong, who shall wilfully and knowingly neglect or refuse, by himself or proper Agent, to deliver, or cause to be delivered, within the Time by Law required, such Precept or Precepts to the proper Officer or Officers of every such Borough, Town Corporate, Port or Place within his Jurisdiction, to whom the Execution of such Precept doth belong or appertain, shall for every such Offence, instead of the Penalty or Forfeiture to which he is made liable by the said Act, forfeit the Sum of Five hundred Pounds to such proper Officer or Officers as aforesaid, to be recovered by him or them, his or their Executors or Administrators, together with full Costs of Suit (and for which he or they may sue by Action of Debt, Bill, Complaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, Privilege or Imparance, shall be admitted or allowed); and shall suffer Imprisonment for the Space of Six Calendar Months, without Bail or Mainprize.

And whereas by an Act made in the Thirty-fifth Year of the Reign of King *Henry* the Eighth (intituled, *The Bill for Knights and*



and Burgesſes in Wales, concerning the Payment of their Fees and Wages) it is (among other Things) Enacted, That the Burgesſes of all and every the Boroughs, Cities and Towns in the Twelve Shires within *Wales*, and the County of *Monmouth*, which be and ſhall be contributory to the Payment of the Burgesſes Wages of the Shire Towns, in the ſaid Twelve Shires in *Wales*, and in the ſaid County of *Monmouth*, ſhall be lawfully admoniſhed by Proclamation, or otherwiſe, by the Mayors, Bailiffs, and other Head Officers of the ſaid Towns, or by One of them, to come and to give their Elections for the electing the ſaid Burgesſes at ſuch Time and Place lawful and reaſonable, as ſhall be aſſigned for the ſame Intent by the ſaid Mayors, Bailiffs, and other Head Officers of the ſaid Shire Towns, or by One of them : And whereas the above-recited Part of the ſaid Act has, by Experience, been found inſufficient to answer the Intentions of the ſame: For Remedy thereof, Be it Enacted, by the Authority aforeſaid, That from and after the ſaid Twenty-fifth Day of *Auguſt* One thouſand Seven hundred and Forty-two, all and every the Mayors, Bailiffs, and other Head Officers of the Shire Towns, in the Twelve Shires in *Wales*, and in the County of *Monmouth*, ſhall give Four Days Notice at leaſt, by Proclamation, or otherwiſe, to the Burgesſes of all and every the other Cities, Boroughs and Towns, in the ſaid Twelve Shires in *Wales*, and in the ſaid County of *Monmouth*, who have a Right to vote in the Elections of Members to ſerve in Parliament for the ſaid Shire Towns, to come and give their Votes at the Days appointed by the ſaid Mayors, Bailiffs, and other Head Officers of the ſaid Shire Towns for ſuch Elections; and that every ſuch Mayor, Bailiff, or other Head Officer, who ſhall wilfully and knowingly neglect or reſuſe, by himſelf or proper Agent, to give ſuch Notice as aforeſaid, ſhall, for every ſuch Offence forfeit the Sum of Five hundred Pounds, to the Mayor, Bailiffs, or other Head Officers of ſuch City, Borough or Town, not receiving Notice as aforeſaid, to be recovered by him or them, his or their Executors or Adminiſtrators, by Action of Debt, Bill, Plaint, or Information, as aforeſaid.

And be it further Enacted, by the Authority aforeſaid, That from and after the ſaid Twenty-fifth Day of *Auguſt* One thouſand Seven hundred and Forty-two, every Sheriff, Mayor, Bailiff, and other Preſiding and Returning Officer of any City, Borough, or Town, being a County of itſelf, or having a Right to elect a Member or Members to Parliament, by virtue of the Writ iſſuing out of *Chancery*, without any Precept thereupon, within that Part of *Great Britain* called *England*, ſhall forthwith, upon the Receipt of the Writ for Election of Members to ſerve in Parliament for ſuch City, Borough, or Town, cauſe publick Notice to be given  
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of the Time and Place of Election, and shall proceed to Election thereupon within the Space of Eight Days next after his Receipt of the same Writ, and give Four Days Notice at least of the Day appointed for the Election.

**And whereas** of late Years many Persons have arbitrarily and illegally taken upon themselves to act as Presiding and Returning Officers at Elections of Members to serve in Parliament, knowing they had no Right so to do; **For Remedy thereof, Be it Enacted**, by the Authority aforesaid, That from and after the said Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, every such Person, who shall take upon himself to act as Presiding Officer at such Election, knowing he has no Right so to do, where any other Person, legally intitled, claims or demands to preside at such Election, or who shall wilfully and knowingly, without Right, take upon himself the Execution of such Precept, where any other Person, legally intitled, claims or demands the Execution thereof, shall forfeit to such Person or Persons, who is or are legally intitled to be the Presiding Officer or Officers at such Election, or who is or are the proper Officer or Officers to whom the Execution of such Precept doth belong, the Sum of Five hundred Pounds, together with full Costs of Suit (and for which he or they may sue by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, Privilege, or Impar lance, shall be admitted or allowed); and shall suffer Imprisonment for the Space of Six Calendar Months, without Bail or Mainprize, and shall for ever after be disabled to hold, exercise and enjoy any Office or Franchise, to which he then shall, or at any time afterwards may, be intitled as a Member of any City, Borough, Town Corporate, or Cinque Port, as effectually as if he was naturally dead.

**And be it further Enacted**, by the Authority aforesaid, That from and after the said Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, it shall and may be lawful to and for any Sheriff, Mayor, Bailiff, Portreve, or other Presiding Officer of any City, Borough, Town Corporate, or Cinque Port, within that Part of *Great Britain* called *England*, or any Clerk appointed and sworn by Authority of this Act to take the Poll at any Election of any Member or Members to serve in Parliament for any such City, Borough, Town Corporate, or Cinque Port, at the Request of any of the Candidates, or their Agents, to examine any Person demanding to poll at such Election, upon Oath, or, being a Quaker, upon his solemn Affirmation, which Oath or Affirmation such Sheriff, Mayor, Bailiff, Portreve, or other Presiding Officer, or any Clerk appointed and sworn by Authority

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of this Act to take the Poll at any such Election as aforesaid, is hereby authorized and required to administer to all such Questions as shall be proposed by any of the Candidates, or their Agents, touching his Qualification or Right of Voting at such Election; and such Person convicted of wilful Perjury in his Examination touching his Qualification or Right of Voting, or any Person convicted of suborning any such Person to commit such wilful Perjury as aforesaid, shall incur the like Pains and Penalties, as are, by the said Act made in the Fifth Year of the Reign of the late Queen *Elizabeth*, enacted against all such, who shall commit wilful Perjury, or suborn or procure any Person to commit any wilful and corrupt Perjury.

**And be it Enacted**, by the Authority aforesaid, That from and after the said Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, no Citizen, Freeman, Burgess, or other Person claiming to vote at such Election, who shall refuse to be examined, and to answer upon Oath (or being a Quaker, upon solemn Affirmation) to all or any reasonable Questions proposed by any of the Candidates, touching his Qualification or Right of Voting, or who shall appear, by his own Answers upon Oath (or being a Quaker, upon solemn Affirmation) not to be legally qualified to vote, shall be admitted to vote, or be polled, at such Election.

**And be it further Enacted**, by the Authority aforesaid, That in case any Quaker shall be convicted of wilfully and falsely affirming or declaring any Matter or Thing touching his Qualification or Right of Voting, which, if the same had been in the usual Form of an Oath, would have amounted to wilful Perjury, every such Quaker so offending, and every Person convicted of suborning any such Quaker falsely and corruptly to affirm or declare any such Matter or Thing, shall incur the same Penalties and Forfeitures as are herein before enacted against Persons convicted of wilful Perjury, or of Suborning any Person to commit any wilful and corrupt Perjury.

**Provided always**, That this Act shall not extend, or be construed to extend, to empower any Sheriff, Mayor, Bailiff, Portreeve, or other Presiding Officer of any City, Borough, Town Corporate, or Cinque Port, within that Part of *Great Britain* called *England*, or any Clerk appointed and sworn by Authority of this Act to take the Poll at any Election of any Member or Members to serve in Parliament for any such City, Borough, Town Corporate, or Cinque Port, to examine upon Oath, any Person demanding to Poll at any such Election, for or in respect of Burgage Tenure, or any Freehold, Messuages, Lands or Tenements; any thing herein contained to the contrary notwithstanding.

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**D** And be it further Enacted, by the Authority aforesaid, That from and after the said Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, every Person demanding to vote for the Election of any Member to serve in Parliament for any City, or Town being a County of itself in that Part of *Great Britain* called *England*, for or in respect of any Freehold Estate, shall, before he is admitted to poll at the said Election, (if required by the Candidates, or any of them, or any Person having a Right to vote at the said Election) first take the Oath (or being a Quaker, the solemn Affirmation) following; *videlicet*,

**Y**OU shall swear, (or being a Quaker, You shall solemnly affirm) that you are a Freeholder in *and have a Freehold Estate consisting of* (specifying the Nature of such Freehold Estate, whether Messuage, Land, or what else) lying or being in the Parish of *in the said City or Town,* (as the Case may be) of the clear yearly Value of Forty Shillings, over and above all Rents and Charges payable out of or in respect of the same; and that you have been in the actual Possession or Receipt of the Rents and Profits thereof for your own Use above Twelve Calendar Months (or that the same came to you within the Time aforesaid by Descent, Marriage, Marriage-Settlement, Devise or Promotion to a Benefice in a Church, or by Promotion to an Office); and that such Freehold Estate has not been made or granted to you fraudulently, on Purpose to qualify you to give your Vote at this Election; and the Place of your Abode is at *in* and that you are Twenty-one Years of Age, as you believe, and that you have not been polled before at this Election.

Which Oath (or solemn Affirmation) the Sheriff, Mayor, or other Presiding Officer of any such City, or Town being a County of itself, or such sworn Clerk, or Clerks, as shall be by him appointed for taking the Poll, is hereby required to administer.

And whereas in great Cities, Boroughs, and Towns, from the Number of Voters, it has been found inconvenient to have but One [ Booth or ] Place for taking the Poll; For Remedy thereof, Be it Enacted, by the Authority aforesaid, That it shall and may be lawful to and for every Sheriff, Mayor, Bailiff, Portreve, or other Presiding Officer of any City, Borough, Town Corporate, or Cinque Port, within that Part of *Great Britain* called *England*, by and with the Consent of all the Candidates, or their Agents, and not otherwise, to appoint such Number of Places and Clerks for taking the Poll, as shall be agreed upon between him and them; which Clerks shall all take the said Poll in the Presence of the said Sheriff, Mayor, or other Presiding Officer, and, before they begin to take the said Poll, shall, by the said Sheriff, Mayor, or



or other Presiding Officer, be sworn truly and indifferently to take the same Poll, and to set down the Names of each Voter, not claiming to vote for or in respect of any Freehold Estate, and for whom he shall poll, and to poll no Voter, not claiming to vote for or in respect of any Freehold Estate; who is not sworn, if so required, to make true Answer to all such Questions as shall be proposed to him by any of the Candidates, [ or their Agents, ] touching his Qualification or Right of Voting, or who shall, upon Objection made by any of the Candidates, [ or their Agents, ] appear, by his own Answers, not to be legally qualified to vote at such Election; which Oath of the said Clerks the said Sheriff, Mayor, or other Presiding Officer, is hereby impowered to administer.

**Provided** always, and be it further Enacted, by the Authority aforesaid, That from and after the said Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, at every Election of any Member to serve in Parliament for any City, Borough, Town Corporate, or Cinque Port, within that Part of *Great Britain* called *England*, it shall and may be lawful to and for each Candidate to nominate and appoint One Person or Agent to attend at each Place for taking the Poll, where he is not himself personally present, and to examine on his Behalf, and in his Stead, any Person demanding to poll at such Election, and to make Objections in his Name, where any Person shall appear, by his own Answers upon Oath (or being a Quaker, upon solemn Affirmation) not to be legally qualified to vote at such Election: And in like manner it shall and may be lawful to and for any of the Electors, who shall demand a Poll for any Person not there present, to nominate and appoint One Person or Agent to attend at each Place for taking the Poll, and to examine, and to make Objections, as aforesaid, on the Behalf, and in the Name and Stead of such Person, for whom a Poll shall be so demanded as aforesaid; which Examinations and Objections are hereby enacted and required to be taken and considered as made by the respective Candidates or Persons, for whom a Poll shall be demanded as aforesaid, within the true Intent and Meaning of this Act; any thing herein contained to the contrary notwithstanding; such Nomination or Appointment being made in Writing under the Hand of such Candidate, or such Elector or Electors respectively as aforesaid.

**And be it further Enacted**, by the Authority aforesaid, That from and after the said Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, no Person shall vote as a Freeholder for the Election of any Member to serve in Parliament for any City, or Town being a County of itself, in that Part of *Great Britain*

*Britain* called *England*, without having a Freehold Estate in such City or Town, for which he votes, of the clear yearly Value of Forty Shillings, over and above all Rents, [Rates, Assessments] or Charges payable out of, or in respect of the same, or without having been in the actual Possession, or in the Receipt, of the Rents and Profits thereof for his own Use, above Twelve Months (unless the same came to him within the Time aforesaid by Descent, Marriage, Marriage Settlement, Devise, [Presentation,] or Promotion to a Benefice in a Church, or Promotion to an Office); or shall vote in respect or in right of any Freehold Estate, which was made or granted to him fraudulently, on purpose to qualify him to give his Vote: And if any Person shall vote in any such Election, contrary to the true Intent and Meaning hereof, or if any Person not claiming to vote for or in respect of any Freehold Estate, shall vote at any Election of any Member or Members to serve in Parliament for any City, Borough, Town Corporate, or Cinque Port, within that Part of *Great Britain* called *England*, who shall refuse to be examined, and to answer upon Oath, (or being a Quaker, upon solemn Affirmation) to all or any Questions proposed by any of the Candidates, touching his Qualification or Right of Voting, or who shall appear, by his own Answers upon Oath or Affirmation, not to be legally qualified to vote at such Election; or if any Person, claiming to vote for or in respect of any Freehold Estate, shall vote at any such Election for any City, or Town being a County of itself, who shall refuse to take the Oath (or being a Quaker, the solemn Affirmation) required to be taken by this Act, or who shall not have a Freehold Estate sufficient to qualify him to give his Vote at such Election; or if any Person shall vote more than once at the same Election, he shall forfeit to every Candidate, for whom such Vote shall not have been given, the Sum of Forty Pounds, to be recovered by him or them, his or their Executors or Administrators, together with full Costs of Suit, by Action of Debt, as aforesaid; and in every such Action the Proof shall [wholly] lie on such Person against whom the same is brought, unless the Fact, on which such Action is grounded, be the having refused to take the Oath (or Affirmation) required by this Act, or to be examined, and to answer upon Oath, (or being a Quaker, upon solemn Affirmation) to all or any Questions touching his Qualification or Right of Voting, or the having voted, where he appeared, by his own Answers upon Oath or Affirmation, not to be legally qualified to vote, or the having polled more than once at the same Election.

**Provided always,** That in case the Plaintiff in any such Action shall discontinue the same, or be Nonsuited, or a Verdict pass against him, that then, in any of the said Cases, the Person against whom



whom such Action shall have been brought, shall have his full Costs.

And be it further Enacted, by the Authority aforesaid, That **H** from and after the said Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, at every Election of any Member to serve in Parliament for any City, Borough, Town Corporate, or Cinque Port, within that Part of *Great Britain* called *England*, where the Right of Voting is in Persons paying Scot and Lot, the Churchwardens and Overseers of the Poor of every Parish withing the same City, Borough, Town Corporate, or Cinque Port, some or One of them, shall respectively attend during the whole Time of such Election, with the several Books of Rates for the Church and Poor of every such Parish respectively, and shall give free Leave to the Presiding Officer, and to the several Candidates, or their Agents at such Election, to examine and inspect the same: And in case any Churchwarden or Overseer of the Poor, shall wilfully offend against the true Intent and Meaning of this Act, he shall forfeit to every Candidate, to whose Prejudice such Offence shall in any wise tend, the Sum of Fifty Pounds, to be recovered, together with full Costs of Suit, by Action of Debt, Bill, Complaint or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Escoign, Protection, Wager of Law, or Imparlance, shall be admitted or allowed.

And be it further Enacted, by the Authority aforesaid, That every Sheriff, Mayor, Bailiff, Portreve, and other Presiding and Returning Officer of any City, Borough, Town Corporate, or Cinque Port, within that Part of *Great Britain* called *England*, shall, at any Election of any Member or Members to serve in Parliament, appoint for each Candidate such Person as such Candidate shall nominate, to be Inspector of every Clerk, who shall be appointed to take the Poll, and shall allow a Cheque-book for each Candidate, to be kept by such Person, so nominated as aforesaid, at every Place where the Poll for such Election shall be taken and carried on.

And be it further Enacted, by the Authority aforesaid, That **I** from and after the Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, every Sheriff, Mayor, Bailiff, Portreve, or other Returning Officer, shall publicly sign, seal and execute the Indenture of Return of any Member to serve in Parliament in the same Place where the Poll for such Election was taken.

And be it further Enacted, by the Authority aforesaid, That **F** from and after the said Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, every Mayor, Bailiff, Portreve, **D**

reve, or other Returning Officer of any City, Borough, Town Corporate, or Cinque Port, within that Part of *Great Britain* called *England*, shall annex the Precept to the Indenture of Return, and return the same so annexed to the Sheriff, or other proper Officer, to whom the same ought to be returned; and the Sheriff, or other proper Officer, shall in like manner annex the Precept and Indenture of Return to the Writ of Election, and return the same so annexed to the Clerk of the Crown.

**And be it Enacted,** That in case any Sheriff, Mayor, Bailiff, or other Returning Officer, or any Person whatsoever, who shall preside at any Election of any Member to serve in Parliament within that Part of *Great Britain* called *England*, and to whom the Execution and Return of the Writ or Precept for the Election of any Member or Members to serve in Parliament, doth of right belong, or by whom the same is executed or performed, shall wilfully offend against, or act contrary to Law, in any Case or Instance, for which no pecuniary or other Penalty is particularly provided by this or any former Act; every such Sheriff, Mayor, Bailiff, or other Person, shall be liable to be prosecuted by Information or Indictment in his Majesty's Court of *King's Bench* at *Westminster*, or in the Courts of Great Sessions for the Principality of *Wales*, or at the Sessions held for the Counties Palatine of *Chester*, *Lancaster*, and *Durham*, or at the Assizes for the County, City, Town, or Place, where such Offence shall be committed, in which no *Nolle Prosequi* or *Cessat Processus* shall be granted.

**And be it further Enacted,** by the Authority aforesaid, That from and after the said Twenty-fifth Day of *August* One thousand Seven hundred and Forty-two, every Sheriff, Mayor, Bayliff, Portreve, or other Returning Officer, who shall at any Election of any Member or Members to serve in Parliament, without Consent of the Candidates, wilfully and partially close the Poll, or cause the same to be closed, before all the Voters at such Election have polled, or have had reasonable Notice by due Proclamations, after the last Vote received, that the Poll will be closed, or shall wilfully and partially, without reasonable Ground, refuse or disallow the Vote of any Freeholder claiming to vote at such Election of a Knight or Knights for any Shire, within that Part of *Great Britain* called *England*, who shall take, or offer to take, the Oath, or being a Quaker, the solemn Affirmation, required by this Act, or of any Person claiming to vote at any such Election, for any City, Borough, Town Corporate, or Cinque Port, within that Part of *Great Britain* called *England*, who shall swear to (or being a Quaker, shall solemnly affirm the Truth of all such Facts, as shew him to be legally qualified to vote, or shall wilfully and partially admit any Person to vote, who shall refuse,



refuse, when required, to take the Oaths (or being a Quaker, the solemn Affirmations) required by this or any former Statute, or who shall (upon Objection made by any of the Candidates, [or their Agents,]) appear by his own Answers, upon Oath, (or being a Quaker, upon solemn Affirmation) not to be legally qualified to vote at such Election, or shall disallow or strike off any Vote once received upon the Poll, otherwise than upon reasonable Ground, after hearing all the Parties concerned, or giving them an Opportunity to be heard, or shall make a Return of any Member to serve in Parliament, contrary to the Majority of Votes received upon the Poll, and not disallowed in manner as aforesaid, shall forfeit to every Candidate against whose Interest, or to whose Prejudice, such partial Act or Omission shall in any wise be, the Sum of One hundred Pounds, to be recovered by him or them, his or their Executors or Administrators, together with full Costs of Suit, (and for which he or they may sue by Action of Debt, Bill, Plaint or Information, in any of his Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, Privilege or Imparance, shall be admitted or allowed) and shall also suffer Imprisonment for the Space of Six Calendar Months, without Bail or Mainprize, and shall for ever after be disabled to vote at any Election of any Member to serve in Parliament, and shall also be for ever disabled to hold, exercise, or enjoy any Office or Franchise, to which he then shall, or at any time afterwards may be intitled as a Member of any City, Borough, Town Corporate, or Cinque Port, as effectually as if he was naturally dead.

**Provided always,** That in case the Plaintiff or Informer in any such Action, Suit or Information shall discontinue the same, or be Nonsuited, or a Verdict pass against him, that then, in any of the said Cases, the Sheriff, Mayor, Bailiff, Portreve, or other Returning Officer, against whom such Action, Suit or Information shall have been brought, shall recover his full Costs. E

**Provided always,** That nothing in this Act contained, shall extend, or be construed to extend, to subject any Sheriff, Mayor, Bailiff, or other returning Officer, to more than One Imprisonment, for any Offence committed against this Act at one and the same Election.

**And be it further Enacted,** by the Authority aforesaid, That it shall and may be sufficient for the Plaintiff or Informer, in any such Action, Suit or Information, to set forth in the Declaration, Bill or Information, that the Defendant is indebted to him in the Sum of \_\_\_\_\_ and to alledge the particular Offence for which the Action or Suit is brought, and that the Defendant did act as Returning Officer, or as One of

of the Returning Officers, where there were more than One, without alledging or proving the Writ of Summons to Parliament, or the Precept thereupon.

**Provided** always, That every Action, Suit or Information, given by this Act, shall be commenced within the Space of One Year after the Fact, upon which the same is grounded, shall have been committed.

**And be it Enacted**, by the Authority aforesaid, That the Marthal of the *King's Bench* Prison, and Warden of the *Fleet*, and every other Keeper and Keepers of any Prison within that Part of *Great Britain* called *England*, who shall wilfully and knowingly permit or suffer any Sheriff, Mayor, Bailiff, or other Presiding or Returning Officer, committed to his Custody for any of the Offences aforesaid, to escape, or go at large, out of their respective Prisons, during such Time as he or they ought to be confined therein, by virtue of this Act, shall forfeit to such Person or Persons, at whose Suit such Sheriff, Mayor, Bailiff, or other Presiding or Returning Officer, was committed to Prison, his or their Executors or Administrators, the Sum of Two hundred Pounds, to be recovered as aforesaid; and in case such Sheriff, Mayor, Bailiff, or other Presiding or Returning Officer, shall be retaken, or return to his said Prison, he shall suffer Imprisonment for the Space of Six Calendar Months, without Bail or Mainprize, to be computed from the Time of such Return or Retaking as aforesaid.

**And be it Enacted**, by the Authority aforesaid, That all the Statutes of Jeofails, and Amendments of the Law whatsoever, shall extend, and be construed to extend, to all Proceedings in any Action, Suit or Information, given or allowed by this Act, or which shall be brought in pursuance thereof.

**A** **And whereas** by an Act of Parliament made in the Eleventh Year of the Reign of his late Majesty King *George*, intituled, *An Act for Regulating Elections within the City of London, and for preserving the Peace, good Order and Government of the said City*, sufficient Provision is made, amongst other things, for the due Election of Members to serve in Parliament for the said City; **Be it therefore further Enacted and Prohibited**, That nothing in this Act contained shall extend, or be construed to extend, to any Election of Members to serve in Parliament for the said City.

**And whereas**, by an Act of Parliament made in the Twelfth Year of the Reign of her late Majesty Queen *Anne*, (intituled, *An Act for the better regulating the Elections of Members to serve in Parliament for that Part of Great Britain called Scotland*) it is amongst other things Enacted, That no Person or Persons, who have not been inrolled, and voted at former Elections, shall upon



upon any Pretence whatsoever, be inrolled, or admitted to vote at any Election, except he or they first produce a sufficient Right or Title to qualify him or them to vote at that Election, to the Satisfaction of the Freeholders formerly inrolled, or the Majority of them present; and the Returning Officers are thereby ordained to make their Returns of the Persons elected by the Majority of Freeholders inrolled, and those admitted by them, reserving always the Liberty of objecting against the Persons admitted to, or excluded from the Roll as formerly: **Be it Enacted**, by the Authority aforesaid, That so much of the said Act as is before recited, shall be, and is hereby repealed.

**And whereas** the Rolls of Elections of Commissioners to serve in Parliament, for the several Shires and Stewartries within that Part of *Great Britain* called *Scotland*, have not in every one of the said Shires and Stewartries been made up every Year at the *Michalmas* Head Courts, pursuant to the Directions of an Act of Parliament, made in that Part of *Great Britain* called *Scotland*, in the Year One thousand Six hundred and Eighty-one (intituled, *An Act concerning the Elections of Commissioners for Shires*): **For Remedy whereof**, and the more effectually to carry the good Intentions of the said Act into Execution, **Be it Enacted and Declared**, by the Authority aforesaid, That such Persons as stand upon the Roll last made up by the Freeholders, whether at the *Michaelmas* Meeting, or at the last Election of a Member to serve in Parliament, shall be the original constituent Members at their next *Michaelmas* Meeting, or Meeting for Election, to revise the said Roll.

**Provided always, and be it Enacted**, by the Authority aforesaid, That it shall and may be lawful for any Freeholder standing upon the Roll, to object to the Title of any Person who stands at present upon the Roll last made up, and for that Purpose to apply at any time before the *First Day of December*, which shall be in the Year of our Lord One thousand Seven hundred and Forty-three, by summary Complaint to the Court of Session, who shall grant a Warrant for summoning such Persons upon *Thirty Days* Notice to answer, and shall proceed in a summary way, to hear and determine upon such Complaint; and if no such Complaint shall be exhibited within the Time aforesaid, then and in that Case, no Freeholder, who at present stands upon the Rolls last made up, in the said Counties or Stewartries respectively, shall be struck off, or left out of the Roll, except upon sufficient Objections arising from the Alteration of that Right or Title, in respect of which he was inrolled, sustained by the other Freeholders standing upon the said Roll.

E

And

And be it Enacted, by the Authority aforesaid, That if at any *Michaelmas* Meeting, or Meeting for Election, any Person claiming to be inrolled, shall by Judgment of the Freeholders be refused to be admitted, or if any Person who stood upon the Roll, shall by like Judgment be struck off, or left out of the Roll, it shall and may be lawful for him or them, who is so refused to be admitted, or whose Name is so struck off, or left out of the Roll, to apply (so as such Application be made within Four Calendar Months after their being so refused, struck off, or left out) by summary Complaint to the Court of Session, who shall grant a Warrant for summoning the Person or Persons, upon whose Objection or Objections he was refused to be admitted, or was struck off, or left out, as aforesaid, upon Thirty Days Notice, to answer, and shall proceed to hear and determine, in a summary way, on such Complaint; and if any Person shall be inrolled, whose Title shall be thought liable to Objection, it shall and may be lawful for any Freeholder standing upon the said Roll, (whether such Freeholder was present at the Meeting or not) who apprehends that such Person had not a Right to be inrolled, to apply in like manner by Complaint to the Court of Session, so as such Application be made within Four Calendar Months after such Inrollment; and the said Court, after Service of such Complaint, on Thirty Days Notice, upon the Person said to be wrongfully admitted to the Roll, shall, in manner aforesaid, hear and determine; and if no such Complaint shall be exhibited within the Time aforesaid, the Freeholder inrolled shall stand and continue upon the Roll, until an Alteration of his Circumstances be allowed by the Freeholders at a subsequent *Michaelmas* Meeting, or Meeting for Election, as a sufficient Cause for striking or leaving him out of the Roll.

And be it Enacted, by the Authority aforesaid, That if in any of the aforesaid Cases, the Judgment of the Court of Session shall alter or reverse the Determination of the Meeting of the Freeholders, by directing, that any Person shall be added to, or expunged from, the Roll of Election, the Sheriff, or Steward's Clerk, shall, upon presenting to him the Extract of such Judgment, forthwith make the Alteration thereby directed in the Books that are kept by him; and in case of his Refusal or Delay, he shall forfeit the Sum of One hundred Pounds *Sterling*, to the Person in whose Favour the Judgment of the Court of Session is given, to be recovered by him or his Executors, in the manner herein after directed.

And be it Enacted, by the Authority aforesaid, That to prevent all Surprize at the *Michaelmas* Meetings, every Freeholder who intends to claim to be inrolled at any subsequent *Michaelmas* Meeting



Meeting of the Freeholders, shall for the Space of Two Calendar Months at the least, before the said *Michaelmas* Meeting, leave with the Sheriff, or Steward's Clerk, a Copy of his Claim, setting forth the Names of his Lands, and his Titles thereto, and Dates thereof, with the old Extent or Valuation, upon which he desires to be inrolled; and in case of his Neglect to leave his Claim as aforesaid, he shall not be inrolled at such *Michaelmas* Meeting; and in like manner, whoever intends to object to any Freeholder, who stands upon the Roll, on account of the Alteration of his Circumstances, shall at least Two Calendar Months before the *Michaelmas* Meeting, leave his Objections in Writing with the Sheriff, or Steward's Clerk, as aforesaid, who is hereby required, upon Receipt of the aforesaid Claim or Objections, to indorse on the Back thereof the Day he received the same, and also to give a Copy of the aforesaid Claim or Objections to any Person who shall demand the same, upon paying the legal Fee of an ordinary Extract of the same Length.

And be it further Enacted, by the Authority aforesaid, That no Purchaser, or single Successor, shall be inrolled, till Infeoffment be taken, and Seizin registered, or Charter of Confirmation be expedited, where Confirmation is necessary, One Year before the Inrollment; and that any Person may be inrolled, though absent at the Time of such Inrollment, provided the Titles and Vouchers of his Qualification are produced and laid before the Freeholders.

And if any Person shall be chosen a Member to serve in Parliament for any Shire or Stewartry, within that Part of *Great Britain* called *Scotland*, who shall not be present at the Meeting of Election, Be it Enacted, by the Authority aforesaid, That the Members to serve in Parliament, so elected, before he takes his Seat in Parliament, shall take the Oath appointed to be taken by every Freeholder who shall claim to vote at any Election of a Member to serve in Parliament, by the Act of the Seventh Year of his present Majesty, (intituled, *An Act for the better regulating the Election of Members to serve in the House of Commons, for that Part of Great Britain called Scotland, and for incapacitating the Judges of the Court of Session, Court of Justiciary, Barons of the Court of Exchequer in Scotland, to be elected, or to sit or vote as Members of the House of Commons*) before the Lord Steward of his Majesty's Household, or any Person or Persons authorized by him for that Effect, which he or they are hereby impowered and required to administer; and if a Member to serve in Parliament, so elected, shall neglect or refuse to take the aforesaid Oath, such Election shall be void.

And

**And be it further Enacted**, by the Authority aforesaid, That at the annual Meeting of the Freeholders at *Michaelmas*, the original constituent Members shall be such Persons only as shall stand upon the Roll that shall have been last made up, whether at a *Michaelmas* Meeting, or at a Meeting for Election of a Member to serve in Parliament, and that a Copy signed and extracted of the Roll made up by the Freeholders, at their *Michaelmas* Meetings, or Meetings for Elections, together with the Minutes of their Proceedings at the said Meetings, shall by the respective Clerks of such Meetings be forthwith delivered to the Sheriff, or Steward's Clerk, *gratis*; and shall be inserted in Books to be kept by the said Sheriff, or Steward's Clerk, for that Purpose, who shall forthwith deliver Copies of the same, extracted and signed, to any Freeholder who shall desire the same, paying the legal Fee for an ordinary Extract of the same Length; and shall at every subsequent Meeting at *Michaelmas*, or Meeting for any Election, produce the said Books for the Use of the Freeholders; and in case such Sheriff, or Steward's Clerk, shall neglect or refuse to enter the aforesaid Rolls of Election, or Minutes of Proceedings, into Books so to be kept for that Purpose as aforesaid, or shall neglect or refuse to give Copies thereof, extracted and signed, or shall omit to produce the Books at any subsequent Meeting as aforesaid, he shall for every such Offence forfeit the Sum of One hundred Pounds Sterling to be recovered by any Freeholder within such Shire or Stewartry who shall sue for the same, in such manner as is hereafter directed: And if the aforesaid principal Books, containing the Rolls and Minutes as aforesaid, shall not be produced at the *Michaelmas* Meetings, or Meetings for Election, a Copy of the said Roll and Minutes, extracted and signed by the Sheriff, or Steward's Clerk, shall be sufficient; and if the Sheriff, or Steward's Clerk, shall give out false Copies of the said Roll or Minutes extracted and signed by him, he shall for every such Offence forfeit the Sum of One hundred Pounds Sterling to the Person to whom the false Copy is given, to be recovered by him, or his Executors, in the manner herein after directed, and be for ever after incapable of holding or enjoying his said Office.

**And be it further Enacted**, by the Authority aforesaid, That at every Election of a Commissioner to serve in Parliament for any Shire or Stewartry, within that Part of *Great Britain* called *Scotland*, the Roll of Electors which shall be last made up by the Freeholders, whether at the *Michaelmas* Meeting, or at the last Election of a Member to serve in Parliament, shall be the Roll to be called over by the Commissioner last elected, or in his Absence, by the Sheriff, or Steward's Clerk, in order to the Election



tion of Preses and Clerk, as also by the Preses, after he is chosen, for the Choice of the Member to serve in Parliament, and for the Determination of all the Questions that shall arise in the adjusting the Roll, and in the Course of the Election, excepting so far as the said Roll shall, after the Meeting is duly constituted by the Choice of Preses and Clerk, be altered by Judgment of the Majority of the Freeholders standing on that Roll, by leaving out those whose Circumstances are altered, and by adding others who produce proper Titles.

**And be it further Enacted**, by the Authority aforesaid, That at every Meeting for an Election of a Commissioner to serve in Parliament, if the Commissioner last elected, or in his Absence, the Sheriff, or Steward's Clerk, shall, in the Choice of Preses and Clerk, receive the Vote of any Person that does not stand upon the said Roll, he shall for every such Offence forfeit the Sum of ~~Three~~ hundred Pounds Sterling to every Candidate for the Office of Preses or Clerk respectively, for whom such Person shall not have given his Vote, to be recovered by him or them, his or their Executors respectively, in manner herein after directed; or if the Commissioner last elected, or in his Absence, the Sheriff, or Steward's Clerk, shall, in the Choice of Preses or Clerk, not call for, or shall refuse, the Vote of any Person whose Name is upon the Roll, he shall for every such Offence forfeit the like Sum of ~~Three~~ hundred Pounds Sterling to the Person whose Name shall not be called for, or whose Vote shall be refused, to be recovered by him, or his Executors, in the manner herein after directed; and if the Preses, after he is chosen, shall in the Election of the Member to serve in Parliament, receive the Vote of any Person who does not stand upon the Roll duly made up by the said Meeting, he shall for every such Offence forfeit the Sum of Two hundred Pounds Sterling to every Candidate, for whom such Person shall not have given his Vote, to be recovered by him, or his Executors, in the manner herein after directed; or if the Preses, after he is chosen, shall, in the Election of the Member to serve in Parliament, not call for, or shall refuse, the Vote of any Person whose Name is upon the said Roll so made up as aforesaid, he shall for every such Offence forfeit the like Sum of Two hundred Pounds Sterling to the Person whose Name shall not be called for, or whose Vote shall be refused, to be recovered by him or his Executors, in the manner herein after directed.

**And it is hereby Declared**, That in case of Equality of Votes in the Choice of Preses and Clerk, the Commissioner last elected, and in his Absence, any Freeholder present, who last represented the Shire or Stewartry in any former Parliament, and if no such Person is present, the Freeholder present, who presided last at any

Meeting for any Election, and in his Absence, the Freeholder who last presided at any *Michaelmas* Meeting, and if none of the said Persons shall be present, the Freeholder present who stands first on the Roll, shall, besides their own Votes as Freeholders, have the casting and determining Vote ; and that the Preses chosen shall, after his Election, in the Choice of the Commissioner to serve in Parliament, and all other Questions, where the Votes are equal, in like manner, besides his own Vote as a Freeholder, have the casting and determining Vote.

**And be it further Enacted**, by the Authority aforesaid, That the Persons chosen to be Preses and Clerk, by the Majority of the Freeholders standing on the said Roll, shall be Preses and Clerk of the Meeting for such Election ; and it shall not be lawful for any Number of Freeholders to separate from the Majority of the Persons present who stand upon the said Roll, and set up any Persons as Preses and Clerk, other than those who shall be chosen by the Majority of the Freeholders present, standing on the said Roll ; and that it shall not be lawful for any Person to act as Preses or Clerk, at any such Election, unless they are chosen by the Majority of Persons standing on the said Roll ; and every Freeholder who shall so separate from the Majority of the Freeholders on the Roll, and set up any Person as Preses or Clerk, other than those who shall be chosen by the Majority as aforesaid, he shall for every such Offence forfeit the Sum of Fifty Pounds Sterling to the Candidate, who shall be chosen by the Majority of the Freeholders, from whom such Separation was made, to be recovered by him, or his Executors, in the manner herein after directed ; and if any Person presume to act as Preses and Clerk, who is not chosen by the Majority of the Freeholders on the said Roll, he shall for every such Offence forfeit the Sum of Two hundred Pounds Sterling to the Candidate, who shall be chosen by the Majority of the Freeholders as aforesaid, to be recovered by him, or his Executors, as herein after directed.

**And be it further Enacted**, by the Authority aforesaid, That the Commissioner last elected, or in his Absence the Sheriff, or Steward's Clerk, shall sign the Minutes of the Election of Preses and Clerk, and deliver the same to the Clerk chosen by the Majority of the Freeholders as aforesaid ; and if the Commissioner last elected, or in his Absence, the Sheriff, or Steward's Clerk, shall neglect or refuse to sign the aforesaid Minutes of Election of Preses and Clerk, and deliver the same to the Clerk chosen as aforesaid, or shall sign false Minutes thereof, he shall for every such Offence forfeit the Sum of One hundred Pounds Sterling, to the



the Person elected Preses as aforesaid, to be recovered by him, or his Executors, in the manner hereafter directed.

**And be it further Enacted**, by the Authority aforesaid, That the Clerk chosen by the Majority of the Freeholders on the aforesaid Roll, shall return to the Sheriff or Steward, such Person as shall be elected by the Majority of the Freeholders on the Roll made up at the Meeting for Election in the manner aforesaid; and if the Clerk chosen as aforesaid, shall refuse or neglect to return the Person elected by the Majority of the Freeholders on the Roll made up at the Meeting for Election, or shall return any Person, other than him who shall be elected by the Majority of the Freeholders as aforesaid, he shall for every such Offence, instead of the Penalty or Forfeiture, to which he is made liable by the aforesaid Act, made in the Seventh Year of his present Majesty, forfeit the Sum of Five hundred Pounds Sterling, to the Candidate chosen by the Majority of the Freeholders on the aforesaid Roll, to be recovered by him, or his Executors, in the manner herein after directed.

**And be it further Enacted**, by the Authority aforesaid, That every Sheriff or Steward of any Shire or Stewartry, within that Part of *Great Britain* called *Scotland*, upon producing to him a Copy of the aforesaid Roll last made up by the Freeholders at the last *Michaelmas* Meeting, or at the last Election of a Member to serve in Parliament, extracted and signed by the Sheriff, or Steward's Clerk, and upon producing and shewing to him the original Minutes of the Election of Preses and Clerk, signed by the Commissioner last elected, or in his Absence by the Sheriff, or Steward's Clerk, shall annex to the Writ the Return made by the Clerk chosen by the Majority of the Freeholders on the aforesaid Roll; and if any such Sheriff or Steward shall neglect or refuse to annex to the Writ such Return, or if he shall annex to the Writ any Return made by any other Person pretending to be Clerk to the Election, he shall for every such Offence, instead of the Penalty or Forfeiture to which he is made liable by the aforesaid Act made in the Seventh Year of his present Majesty, forfeit the Sum of Five hundred Pounds Sterling, to the Person returned by the Clerk, and chosen by the Majority of the Freeholders on the aforesaid Roll, to be recovered by him, or his Executors, in the manner hereafter directed.

**And be it further Enacted**, by the Authority aforesaid, That every Sheriff or Steward of any Shire or Stewartry within that Part of *Great Britain* called *Scotland*, shall hold the *Michaelmas* Head Court, in all Time to come, on the Day on which it shall appear to him to have been most usually held in Times past; and to prevent all Uncertainty in Time coming, every Sheriff or Steward shall

shall at least Fourteen Days before *Michaelmas* next appoint a precise Day for holding his *Michaelmas* Head Court in the Year One thousand Seven hundred and Forty-two, and shall cause intimate the Day of holding his Court at all the Parish Churches within his said Shire or Stewartry, upon a *Sunday*, at least Eight Days preceding the next *Michaelmas* Head Court.

**And it is hereby Declared**, That the Days so to be appointed by the said Sheriff or Steward before *Michaelmas* next, shall be the Anniversary for holding the *Michaelmas* Head Court of the said Shire or Stewartry, in all Time coming.

**And whereas** at the Election of Members to serve in Parliament for the Districts of Boroughs in that Part of *Great Britain* called *Scotland*, it often happens, that more Persons than One claim to be admitted to vote as Commissioner for the same Borough, which furnishes Pretences to the Clerks of the presiding Boroughs for partially making false and undue Returns: **For Remedy whereof, Be it Enacted**, by the Authority aforesaid, That at the annual Election of Magistrates and Counsellors, and in all the Proceedings previous to the Election of the Magistrates and Counsellors for the succeeding Year, it shall not be lawful for the Minority of any Meeting for Election either of Magistrates or Counsellors, to separate from the Majority of those having Right to act by the Constitution of the Burgh, at such Meetings, upon any Pretext whatsoever, nor to make any separate Election of Magistrates, Counsellors, or Electors; but the Minority shall in all Cases submit to the Election made by the Majority, in all the Parts of the Election; and if any Person elected by the Minority of any such Meeting shall presume to vote in the Election of Magistrates or Counsellors, or in electing the Magistrates or Counsellors, or in any other Step of the Election, he shall forfeit the Sum of One hundred Pounds Sterling, to any one of the Majority of such Meeting, to be recovered by him in the manner hereafter directed.

**And be it further Enacted**, by the Authority aforesaid, That no Person elected to be a Magistrate or Counsellor, by a Minority of those having Right to vote in Elections of the Magistrates and Counsellors, shall, upon any Pretext whatsoever, presume to act as Magistrate or Counsellor; and if any Person shall notwithstanding presume to act as Magistrate or Counsellor, he shall for every such Offence forfeit the Sum of One hundred Pounds Sterling, to the Magistrates or Counsellors elected by the Majority, or to any of them who shall sue for the same, to be recovered by him or them, in the manner herein after directed.

**Provided always, and it is hereby Declared and Enacted**, That it shall and may be lawful to and for any constituent Member,



Member, at any Meeting for Election of Magistrates or Counsellors, or of any Meeting previous to that for the Election of Magistrates and Counsellors respectively, who shall apprehend any Wrong to have been done by the Majority of such Meeting, to apply to the said Court of Session, by a summary Complaint, for rectifying such Abuse, or for making void the whole Election, if irregular, so as such Complaint be presented to the said Court of Session within Two Calendar Months after the annual Election of the Magistrates and Counsellors; and the said Court shall thereupon grant a Warrant for summoning the Magistrates and Counsellors elected by the Majority upon Thirty Days Notice, and shall hear and determine the said Complaint summarily, without abiding the Course of any Roll, and shall allow to the Party who shall prevail, their full Costs of Suit.

**And be it Enacted**, by the Authority aforesaid, That at every Election of Commissioners for choosing Burgeses for any District of Boroughs, in that Part of *Great Britain* called *Scotland*, the Common Clerk of each Borough within the said District shall make out a Commission to the Person chosen Commissioner by the major Part of the Magistrates and Town Council assembled for that Purpose, which Magistrates and Town Council shall take the Oath of Allegiance, and sign the same with the Assurance, and shall take all the other Oaths appointed to be taken at such Election by this or any former Act, if required; and the said Clerk shall affix the common Seal of the Borough thereto, and sign such Commission, and shall not on any Pretence whatsoever make out a Commission for any Person as Commissioner, other than him who is chosen by the Majority as aforesaid; and if any Common Clerk of any Borough shall neglect or refuse duly to make out and sign a Commission to the Commissioner elected by the Majority as aforesaid, and affix the Seal of the Borough thereto, or if he shall make out and sign a Commission to any other Person, who is not chosen by the Majority, or affix the Common Seal of the Borough thereto, he shall for every such Offence forfeit the Sum of Five hundred Pounds Sterling to the Person elected Commissioner for the said Borough as aforesaid, to be recovered by him or his Executors, in the manner herein after directed, and shall suffer Imprisonment for the Space of Six Calendar Months, and be for ever after disabled to hold or enjoy his said Office of Common Clerk of the said Borough, as effectually as if he was naturally dead.

**And be it further Enacted**, by the Authority aforesaid, That if any other Person, who is not the Common Clerk of the Borough, shall take upon himself to act as such in any Election of a Commission for choosing a Burgeses for any District of Boroughs in

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that Part of *Great Britain* called *Scotland*, and shall make out a Commission for any other Person as Commissioner, other than the Person who was chosen by the Majority as aforesaid, and shall sign or affix the Common Seal of the Borough thereto, he shall for every such Offence forfeit the Sum of Five hundred Pounds Sterling to the Person elected Commissioner for the said Borough as aforesaid, to be recovered by him, or his Executors, in the manner herein after directed.

**And whereas** by an Act passed in that Part of *Great Britain* called *Scotland*, the Fifth Day of *February* in the Year One thousand Seven hundred and Seven, (intituled, *An Act for settling the Manner of Electing the Sixteen Peers, and Forty-five Commoners, to represent Scotland, in the Parliament of Great Britain*) it is amongst other Things Enacted, That where the Votes of the Commissioners for the said Boroughs met to choose Representatives for their several Districts to the Parliament of *Great Britain* shall be equal, in that Case the President of the Meeting shall have a casting or decisive Vote, and that by and above his Vote as a Commissioner from the Borough from which he is sent; but no Provision is made in case of the Absence of the Commissioner from the presiding Borough, or of his refusing to vote at such Election: **For Remedy whereof, Be it Enacted**, by the Authority aforesaid, That if the Commissioner from the presiding Boroughs shall be absent from the Meeting of Commissioners for choosing Burgesses to serve in Parliament, or shall refuse to vote at such Election, the Commissioner from the Borough which was the presiding Borough at the last Election, and if he also be absent, or shall refuse to vote as aforesaid, the Commissioner from the Borough which was the presiding Borough at the Election immediately preceding the last; and in case he shall be likewise absent, or shall refuse to vote as aforesaid, the Commissioner from the Borough which was the last presiding Borough but Two, shall have in the aforesaid respective Cases, besides his own Vote, the casting or decisive Vote.

**And be it further Declared**, by the Authority aforesaid, That it is no Objection to any Commissioner for choosing a Burgess, that he is not a Residenter within the Borough, bearing all portable Charges with his Neighbours, or that he is no trafficking Merchant therein, or that he is not in Possession of any Burgage Lands, or Houses, holding of the said Borough, and that such Qualifications need not be engrossed in his Commission; any Law, Custom, or Usage to the contrary notwithstanding.

**And be it further Enacted**, by the Authority aforesaid, That at all Meetings of Commissioners for chusing Burgesses to serve in Parliament, the Common Clerk of the presiding Borough shall allow



allow the Votes of such Persons only who produce Commissions authenticated by the Subscription of the Common Clerk, and the Common Seal of the respective Boroughs within the District; and shall return to the Sheriff or Steward the Person elected by the major Part of the Commissioners assembled, whose Commissions are authenticated as aforesaid; and if he neglect or refuse to return such Person so elected to the Sheriff or Steward, or if he shall return to the Sheriff or Steward any Person other than him who is elected, he shall for every such Offence, instead of the Penalty or Forfeiture to which he is made liable by the aforesaid Act made in the Seventh Year of his present Majesty, forfeit the Sum of Five hundred Pounds Sterling to the Candidate elected by the Majority of the Commissioners assembled, whose Commissions are authenticated as aforesaid, to be recovered by him, or his Executors, in the manner herein after directed; and he shall also suffer Imprisonment for the Space of Six Calendar Months, and be for ever after disabled to hold or enjoy his said Office of Common Clerk of the presiding Borough, as if he was naturally dead.

**And be it Enacted**, by the Authority aforesaid, That that every Sheriff or Steward in that Part of *Great Britain* called *Scotland* shall annex to the Writ the Return made by the aforesaid Clerk of the presiding Borough; and if any such Sheriff or Steward neglect or refuse to annex to the Writ such Return, or if he shall annex to the Writ any Return made by any other Person, he shall for every such Offence, instead of the Penalty or Forfeiture to which he is made liable by the aforesaid Act made in the Seventh Year of his present Majesty, forfeit the Sum of Five hundred Pounds Sterling to the Candidate returned by the aforesaid Clerk of the presiding Borough, to be recovered by him, or his Executors, in the manner herein after directed.

**Provided always**, That if any Person to whom no Commission is made out as aforesaid; shall insist that he was duly elected the Commissioner from any Royal Borough, the Person so claiming shall be admitted to the Meeting of the Commissioners for chusing Burgesses to serve in Parliament; and may at the said Meeting make Offer of taking all the Oaths required by Law, and declare for whom he would have voted, had he been duly commissioned; which Oaths the Clerk of the presiding Borough is hereby required and impowered to administer; and the said Clerk also set down in the Minutes of Proceedings the Declaration of such Person as to the Candidate for whom he would have voted, had he been duly commissioned; but the said Clerk shall upon no Pretence whatsoever receive or consider such Person as a legal Voter, or such Declaration as a legal Vote at such Election.

And

And be it further Enacted, by the Authority aforesaid, That in all Elections of Commissioners for chusing Burgeses, and before they proceed to Election, the common Clerk of each Borough shall take and subscribe the following Oath, which any of the Magistrates, or in their Absence any **Two** of the Town Council, are hereby impowered and required to administer :

**I** A. B. do solemnly swear, That I have not directly nor indirectly, by way of Loan, or other Device whatsoever, received any Sum or Sums of Money, Office, Place, Employment, Gratuity or Reward, or any Bond, Bill, or Note, or any Promise of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatsoever, either by myself or any other, to my Use or Benefit, or Advantage, to make out any Commission for a Commissioner for chusing a Burgess; and that I will duly make out a Commission to the Commissioner who shall be chosen to the Majority of the Town Council assembled, and to no other Person.

So help me G O D.

And that at all Meetings of the Commissioners for chusing Burgeses to serve in Parliament, and before they proceed to the Election, the Clerk of the presiding Borough shall take and subscribe the following Oath, which the Commissioner for the presiding Borough, or in his Absence any other of the Commissioners, is hereby required and impowered to administer :

**I** A. B. do solemnly swear, That I have not directly or indirectly, by way of Loan, or other Device whatsoever, received any Sum or Sums of Money, Office, Place, Employment, Gratuity or Reward, or any Bond, Bill or Note, or any Promise of any Sum or Sums of Money, Office, Place, Employment or Gratuity whatsoever, either by myself or any other, to my Use, or Benefit, or Advantage, to make any Return at this Election of a Member to serve in Parliament; and that I will return to the Sheriff or Steward the Person elected by the major Part of the Commissioners assembled, whose Commissions are authenticated by the Subscription of the Common Clerk, and Common Seal, of the respective Boroughs of this District.

So help me G O D.

And that all the Elections of a Member to serve in Parliament for any County or Stewartry, in that Part of Great Britain called Scotland, the Clerk chosen by the Majority of such Persons as stand



stand upon the said Roll last made up by the Freeholders, whether at the *Michaelmas* Court, or at the last Election of a Member to serve in Parliament, shall, immediately after his Election, take and subscribe the following Oath, which the Preses of the Meeting is hereby required and impowered to administer :

**I** A. B. do solemnly swear, That I have not directly or indirectly, by way of Loan, or other Device whatsoever, received any Sum or Sums of Money, Office, Place, or Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promise of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatsoever, by myself, or any other, to my Use, or Benefit, or Advantage, to make any Return at the present Election of Members to serve in Parliament ; and that I will return to the Sheriff or Steward the Person elected by the Majority of the Freeholders, upon the Roll made up at this Election, and who shall be present, and vote at this Meeting.

So help me G O D.

**And whereas** by an Act of Parliament made in the Second Year of the Reign of his present Majesty, (intituled, *An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament*) it is Enacted, That every Sheriff, Mayor, Bayliff, Headborough, or other Person, being the Returning Officer of any Member to serve in Parliament, shall immediately after reading the Writ or Precept for the Election of such Members, take and subscribe the Oath contained in the aforesaid Act ; **Be it Enacted**, by the Authority aforesaid, That so much of the said Act as requires the said Oath to be taken by any Returning Officer, within that Part of *Great Britain* called *Scotland*, shall be, and is hereby repealed.

**And whereas** Doubts have arisen, whether the said Act extends to the Electors of Commissioners for chusing Burgesses ; **Be it hereby declared and Enacted**, by the Authority aforesaid, That the Electors of Commissioners from any Royal Borough within that Part of *Great Britain* called *Scotland*, for chusing Burgesses to Parliament, are within the true Intent and Meaning of the said Act, to be considered as Electors of the Member to serve in Parliament, and shall be so deemed and adjudged to all Intents and Purposes whatsoever, and shall be liable to all the Provisions, Forfeitures, and Incapacities to which Persons voting, or claim-

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ing to vote, for any Member to serve in Parliament, are made liable by the said Act.

**And be it Enacted**, by the Authority aforesaid, That the Common Clerk of each Borough be, and is hereby, impowered and required to administer, to the Common Council assembled, the Oath required by the aforesaid Act to be taken, if any One of the Town Council shall demand the same.

**And be it further Enacted**, by the Authority aforesaid, That if any Elector of a Member of Parliament, or of a Commissioner for chusing a Burgess, shall swear and subscribe wilfully and falsely the Oath against Bribery, contained in the aforesaid Act, made in the Second Year of the Reign of his present Majesty; or if any Person shall presume wilfully and falsely to swear and subscribe any of the Oaths required to be taken by this Act, and shall thereof be lawfully convicted, he shall incur the Pains and Punishments of Perjury, and be prosecuted for the same, according to the Laws and Forms in such Case provided.

**And whereas** by the aforesaid Act made in that Part of *Great Britain* called *England*, in the Seventh Year of the Reign of King *William the Third*, (intituled, *An Act for the further regulating Elections of Members to serve in Parliament, and for the preventing irregular Proceedings of Sheriffs, and other Officers, in the electing and returning such Members*) it is amongst other Things Enacted, That the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the Time being, shall issue out the Writs for Election of Members to serve in the same Parliament, with as much Expedition as the same may be done; and that as well upon the calling or summoning any new Parliament, as also in case of any Vacancy during this present or any future Parliament, the several Writs shall be delivered to the proper Officer, to whom the Execution thereof doth belong or appertain, and to no other Person whatsoever; and that every such Officer, upon Receipt of the same Writ, shall, upon the Back thereof, indorse the Day he received the same: **Be it Enacted**, by the Authority aforesaid, That so much of the said Act, as is before recited, shall be, and is hereby, extended to that Part of *Great Britain* called *Scotland*.

**And be it further Enacted**, by the Authority aforesaid, That every Penalty or Forfeiture by this Act imposed in that Part of *Great Britain* called *Scotland*, shall and may be sued for, and recovered, by way of summary Complaint before the Court of Session, upon Thirty Days Notice to the Person complained of, without abiding the Course of any Roll; which said Complaint the Court of Session is hereby authorized and required to determine,



mine, as also to declare the Disabilities and Incapacities, and to direct the Imprisonments as herein provided.

**Provided always, and it is hereby Declared and Enacted,** by the Authority aforesaid, That no Person shall be made liable to any Incapacity, Disability, Forfeiture, or Penalty, by this Act imposed, in that Part of *Great Britain* called *Scotland*, unless Prosecution be commenced within One Year after such Incapacity, Disability, Forfeiture, or Penalty, shall be incurred.

*The BILL (with the Amendments) to  
Explain and Amend the Laws touch-  
ing the Elections of Members to serve  
for the Commons in Parliament, and  
to restrain the Partiality, and regu-  
late the Conduct, of Returning Offi-  
cers at such Elections.*